

REMARKS

Claims 1 through continue to be in the case.

New claims 3 and 4 are submitted.

Claim 3 is based on the language of claim 1.

Claim 4 is based on the language of claim2.

The Office Action refers to the Specification

The disclosure stands objected to because of the following informalities:

Applicant has not provided a specification in the proper format as outlined below.

Also, reference numbers appearing in the abstract should be contained in parenthesis.

Appropriate correction is required.

Applicant is preparing a Substitute Specification to overcome the objection.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION. (b) CROSS-REFERENCE TO RELATED APPLICATIONS. (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT. (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.) (f) BACKGROUND OF THE INVENTION. (1) Field of the Invention. (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98. (g) BRIEF SUMMARY OF THE INVENTION. (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S). (i) DETAILED DESCRIPTION OF THE INVENTION. (j) CLAIM OR CLAIMS (commencing on a separate sheet). (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(I) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A

"Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821 (a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the Invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development:
See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).

- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the File of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CM 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:

- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."

- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the Prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A

description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on a separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.

There may be plural indentations to further segregate sub-combinations or related steps. See 37 CFR 1.75 and **MPEP** § 608.01 (i)-(p).

- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

- (I) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

The spacing of the lines of the specification is such as to make reading difficult. New application papers with lines 1 1/2 or double spaced on good quality paper are required.

As already mentioned, Applicant is preparing a Substitute Specification to overcome the objections.

The Office Action refers to Claim Objections.

The claims stand objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Applicant has called the claim section "Reservations", this language should be changed to reflect U.S. patent practices.

Applicant is amending the claims to overcome the objections.

The Office Action refers to Claim Rejections - 35 USC § 112

Claims 1 and 2 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim(s) are narrative in form

and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited. There is insufficient antecedent basis for almost all of the limitations of the claim 1, e.g. claim 1 recites the limitation "The vertical sleeve" in line 4.

The applicant is presently amending the claims to obviate the rejections.

The Office Action refers to *Claim Rejections - 35 USC § 103*.

Claims 1 and 2 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent JP 11313739 to Goto in view of U.S. Patent No. 113,035 to Erkson and U.S. Patent No. 6,698,136 to Cleveland.

The rejection is respectfully traversed.

Regarding Claim 1, Goto teaches a standing flowerbed with the characteristic features that the flowerbed consists a perpendicular base (Goto Fig. 6 #1) and the cylindrical-like fixable ending shaped in the symmetry axis (Goto Fig. 6 #6); the vertical sleeve segments (Goto Fig. 6 #3) of the support column are shapely joined with the ending and they are

removable; and its side planes it has profiled perpendicular supports with enforcing ribs (Goto Fig. 6 #4) for the flowerpots (Goto Fig. 6 #11).

Applicant respectfully submits that Goto fails to show the cylinder-like fixable ending (2), the vertical sleeve segment (3), the profiled perpendicular support (4), the flower pots (5) of truncated cone shape, the top vertical sleeve segment (6), the cone shaped nests (7) and the nests (8).

The Office Action continues:

Goto is silent on plastic. However, it would have been obvious to one of ordinary skill in the art to modify the teachings of Goto at the time of the invention since the modification is merely the selection of a known alternate material selected as an engineering design choice to perform an intended function i.e. to withstand exposure to environmental conditions such as rain [*Leshin 125 USPQ 416*].

Goto as modified is silent on the top of the supporting column is finished with the vertical sleeve segment; in the upper opening of which there is shapely placed a flowerpot, which is removable and in the Base there are nests for the vertical sleeve segments and shaped as truncated cone at the connection side, slightly converging to the inside of the side planes. However, Erksen teaches a standing flowerbed with the top of the supporting column is finished with the vertical sleeve Segment; in the upper opening of which there is shapely placed a flowerpot, which is removable (Erksen Fig. 2 element J and I). It would have been obvious to one of ordinary skill in the art to further modify the teachings of Goto with the teachings of Erksen at the time of the

invention for the advantage of additional storage for another flower pot and for the improved aesthetic appeal of additional foliage on the top to enhance its visual appeal. Erkson also teaches that in the base there are nests for the vertical sleeve segments (Erkson Fig. 1 element 2) and shaped as truncated cone at the connection side, slightly converging to the inside of the side planes. It would have been obvious to further modify the teachings of Goto with the additional teachings of Erkson at the time of the invention for increase storing capacity.

Applicant respectfully urges that Erkson fails to teach the top vertical sleeve segment (6).

The Office action continues:

Goto as modified is silent on the structure of the base that it is square base with oval corners and in the inner space of the perpendicular square base, in the corners, there are cone-shaped nests for flowerpots. However, Cleveland teaches a perpendicular base with oval corners and in the inner space of the perpendicular square base, in the corners, there are cone-shaped nests for flowerpots (Cleveland Fig. 4 and Col. 2 line 31). It would have been obvious to one of ordinary skill in the art to further modify the teachings of Goto with the teachings of Cleveland at the time of the invention for the known advantage of the stable structure and the enhanced aesthetic appearance of plants around the base for a fuller visual appeal.

It is respectfully submitted that the reference Cleveland fails to teach any supporting structure for vertical sleeve segments (3) and for flowerpots (5).

Regarding Claim 2, Goto as modified teaches the perpendicular base which is square-shaped whereas the most attractive shape of the flowerpots is that of a truncated cones (Goto Fig. 6 #11).

It is submitted that none of the three references applied teaches a square-shaped perpendicular base as is required in claim 2 of the present application..

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Des. 345,871 ; U.S. Patent No. 5,439,269 ; Japanese Patent JP 2001-120408 ; U.S. Patent No. 5,577,344; U.S. Patent No. 5,675,931; U.S. Patent No. 5,598,662; U.S. Patent No. 4,962,614; U.S. Patent No. 4,561,208; U.S. Patent No. 3,108,401; U.S. Patent No. 317,443; German Patent DE 19745435; U.S. Patent No. 1,797,077; U.S. Patent No. 1,474,753; U.S. Patent No. 102,398; U.S. Patent D444,359; U.S. Patent No. 214,061; U.S. Patent Des. 365,300; and U.S. Patent Des. 190,434; German Patent DE 3804556.

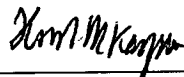
The recited documents show the state of the art at the time of their publication, but the neither anticipate nor render obvious the present invention.

Reconsideration of all outstanding rejections is respectfully requested.

All claims as presently submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,

Jozef Cybula

By: 

Horst M. Kasper, his attorney,
13 Forest Drive, Warren, N.J. 07059
Tel. (908)757-2839; Reg.No. 28559
Attorney's Docket No.: Pro201

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